



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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W. Kelly

M/053/005



May 3, 1995

James Smith, Manager
USMX of Utah, Inc.
PO Box 2650
St. George, UT 84770

RE: Hamberg Pond, March 7, 1995,
Notice of Non-Compliance; Ground
Water Permit No. UGW530001

Dear Mr. Smith:

We received your letter from Robert Wilson dated April 5, 1995, in which you request changes to the permit for emergency use of the Hamberg pond. This letter will respond to that issue only, and you will receive comments regarding the Notice of Violation DE95-01 issues under separate cover.

As you should recall, your permit, Part I.C.1.D, specifically authorizes use of the Hamberg pond for fresh water only. The permitting of the pond was based on the design which has a clay and one synthetic liner. We acknowledge that during recent storms the pond was used as a storage area for treated process water, and while it may have been the prudent thing to do, it was a permit violation.

In any event, before the permit can be changed to allow other uses of the Hamberg pond, you will need to submit an application with justification for your other proposed uses. This would enable us to determine if the current design would be an adequate BAT in the context of the proposed use. In addition, the information would be used to establish appropriate performance criteria. The scope of the data justifying the change should, as a minimum, address the following:

1. Expected quality of the fluid to be put in the pond,
2. The engineering design of any pretreatments that may be used,



May 3, 1995

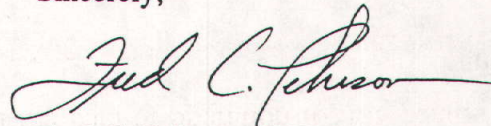
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3. Expected quality of fluids after treatment,
4. A more specific description of the plan of operation for the pond,
5. Your proposed notification of DWQ of impending emergency, and the results of lab tests defining the fluid quality,

If it is your intent to elevate the use of the pond to permanent full time unlimited use, you should consider upgrading the pond to the standards of your process ponds since the current design is not adequate for this purpose. This upgrade would then cover nearly all emergencies.

The above information will be needed before we can act on your request. If you need further information, contact Mack Croft or Lyle Stott at 538-6146.

Sincerely,



Fred C. Pehrson, P.E., Manager
Permits, Compliance & Monitoring Branch

FCP:MGC:wfm

cc: Wayne Thomas, Dist. Eng.
Southwestern Utah Health Dept.
DOGM